

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ALVIN DEAN BRUTON, SR.

Plaintiff,

v.

CIV 11-0330 WJ/KBM

UNITED STATES OF AMERICA,

Defendant.

**ORDER DENYING APPOINTMENT OF COUNSEL**

THIS MATTER is before the Court on Plaintiff's motion that requests appointment of counsel and summary judgment for Defendant's failure to object to earlier proposed findings. *See Doc. 58*. The order adopting the proposed recommendation benefitted Plaintiff and resulted in the Court appointing an expert, who is reviewing the matter and will report to the Court. *See Docs. 50-52, 56-57*.

In considering whether to appoint counsel for indigent plaintiffs under 28 U.S.C. § 1915(d), the factors this Court should consider include “the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.” *Rucks v. Boergermann*, 57 F.3d 978, 979 (10<sup>th</sup> Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10<sup>th</sup> Cir. 1991)). Whereas several of the Court's entries reflect that Plaintiff does not understand certain things, he has doggedly presented his claims, and the procedures the Court adopted will help ensure that his

interests are adequately represented. Those efforts should be permitted to fully conclude before entertaining whether to appoint counsel.

Wherefore,

**IT IS HEREBY ORDERED** that Plaintiff's motions for appointment of counsel  
(*Doc. 58*) is DENIED WITHOUT PREJUDICE.

A handwritten signature in black ink, reading "Karen B. Moynihan". The signature is written in a cursive, flowing style. The first name "Karen" is written in a larger, more prominent script, followed by "B." and "Moynihan".

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UNITED STATES CHIEF MAGISTRATE JUDGE